

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JAMES G. RIGBY,

Plaintiff,

v.

Case No. 1:11-cv-00373-KD

FIA CARD SERVICES, N.A., d/b/a
BANK OF AMERICA,

Defendant.

CONSENT MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT

Defendant FIA Card Services, N.A. (“Defendant”) respectfully moves the Court to enter an order, nunc pro tunc, granting Defendant leave to exceed the page limit in its Reply in Support of its Motion to Dismiss (Doc. No. 21), filed on October 4, 2011. As grounds for this Motion, Defendant states as follows:

1. On October 4, 2011, Defendant filed its Reply in Support of its Motion to Dismiss. Initially, the Reply was in 12-point Times New Roman, and was within the Court’s 15-page limitation. The Reply was then reformatted to be in 14-point font to comply with Local Rule 5.1, which also caused formatting errors. With the increased font size and formatting errors, Defendant’s Reply exceeded the 15-page limitation.

2. Defendant’s counsel avers that, with the formatting errors corrected, the Reply brief, in 14-point font, exceeds the page limit by one page.

3. Defendant has conferred with counsel for Plaintiff, and counsel for Plaintiff does not oppose the relief sought.

WHEREFORE, Defendant respectfully requests that this Court grant Defendant leave, nunc pro tunc, to file its Reply (Doc. No. 21) in excess of the page limit.

Respectfully submitted,

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CERTIFICATION OF ELECTRONIC SERVICE AND FILING

I hereby certify that on October 5, 2011, the original Consent Motion for Leave to Exceed the Page Limit was served and filed pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules via electronic filing with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing (NEF) to all counsel of record.

/s/ John David Collins
John David Collins